

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARREL WAYNE VANDERGRIFF

Plaintiff,

v.

TONY GAMBONE,

Defendant.

Case No. C06-5381RBL

ORDER TO SHOW CAUSE

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). On December 13, 2006, the Court entered an Order adopting the Report and Recommendation on defendant's motion to dismiss (Dkt. # 41). All defendants except Anthony Gambone were dismissed from the action and only one claim remains (Dkt. # 41).

Defendant Gambone had ten days from entry of that order to file an answer or other pleading with the court and he has failed to do so. While defendant has failed to answer, the duty to prosecute the case is plaintiffs'.

Plaintiff is **ORDERED TO SHOW CAUSE** why this action should not be dismissed for failure to prosecute. A response is due on or before **March 9, 2007**.

The Clerk is directed to send a copy of this Order to plaintiff, and to defendants counsel and to note the **March 9, 2007**, due date on the court's calendar.

DATED this 5 day of February, 2007.

/S/ J. Kelley Arnold

J. Kelley Arnold

United States Magistrate Judge